

Declaration of Richard Scheps Under 37 CFR §1.132

1. I, Richard Scheps, declare as follows under penalty of perjury:
2. I hold a
PhD., University of Chicago 1973
BS University of California, Berkeley, 1968
3. Since 1981, I have worked continually in the field of optical research, particularly involving lasers. I was employed by Spawar Systems Center from 1981 to 2003.
4. I have reviewed U.S. Patent 5,530,711 (711) and U.S. Patent Application 10/631,219 (Application).
5. The reference 711 is not sufficiently specific to enable one skilled in the art at the time of the Application to make a diode-pumped solid-state laser that operates in a non-steady-state mode, as described in the Application.
6. I have reviewed the U.S. Patent Office action regarding the Application, which contains the following statement in reference to 711:

[D]iodes are operated in pulsed mode, which is non-steady state.

That statement is incorrect. Pulsed operation of a diode laser does not equal non-steady-state operation of a diode laser. Only for the first 50-100 nanoseconds of a pulse, is a diode laser considered to be operating in non-steady-state mode. After the first 50-100 nanoseconds of a pulse, a diode laser operates in a quasi-continuous wave mode.

Respectfully submitted,


Richard Scheps